

**RALEIGH ROGERS,**  
  
**Plaintiff,**  
  
**vs.**  
  
**WELLS FARGO,**  
  
**Defendant.**

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In the Complaint, Plaintiff filed several causes of action under North Carolina law, seeking damages allegedly resulting from Defendant’s opening an unauthorized account in his name.<sup>1</sup> (Doc. No. 1-1: Complaint at 1-3). Plaintiff acknowledges that he was notified of the “ongoing Wells Fargo unauthorized account settlement,” but asserts he did not join it. (Id. at 1). However, a judgment in a class action certified under Rule 23(b)(3) of the Federal Rules of Civil Procedure is binding on all class members except those who timely opt out. In Re: MI Window and Doors, Inc. Products Liability Litigation, 860 F.3d 218, 223 (4th Cir. 2017) (citing Matsushita Elec. Indus. Co. v. Epstein, 516 U.S. 367 (1996)).



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Here, it appears that Plaintiff is in the Settlement Class certified under Rule 23(b)(3) in *Jababari v. Wells Fargo & Co.*, N.D. Cal. Case No. 3:15-cv-2159, Doc. No. 271. (Doc. No. 4-2, Exhibit 1: Revised Order Granting Final Approval of Class Action Settlement at 3).<sup>2</sup> Plaintiff is not, however, listed among the class members who timely opted out. (*Id.*, Exhibits A and B to Order). Therefore, he may be bound by that judgment releasing Defendant from any claims under state law. (*Id.* at 11). Because Final Approval Order is under review by the United States Court of Appeals for the Ninth Circuit, (Doc. No. 4-1: Memorandum at 10), the Court finds good cause to stay the proceedings in this case until that appeal is resolved.

**IT IS, THEREFORE, ORDERED** that Defendant's motion, (Doc. No. 4), is **GRANTED in part**, and this matter is **STAYED** pending appellate review of the Final Approval Order in *Jababari v. Wells Fargo & Co.*, N.D. Cal. Case No. 3:15-cv-2159, Doc. No. 271.

**IT IS FURTHER ORDERED** that Defendant file a status report notifying Plaintiff and the Court of the status of that appeal every sixty (60) days until the stay is lifted or this case is closed.

Signed: August 9, 2019

  
Robert J. Conrad, Jr.  
United States District Judge 

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<sup>2</sup>, Plaintiff alleges Defendant opened an unauthorized account in his name on December 17, 2013. (Doc. No. 1-1: Complaint 1). The Final Approval Order states: "The Settlement Class is defined as follows: All Persons for whom Wells Fargo ... opened an Unauthorized Account ... during the period of May 1, 2002 to April 20, 2017 ..." (Doc. No. 4-2, Exhibit 1: Revised Order Granting Final Approval of Class Action Settlement at 3).